

May 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 10-0029

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FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOVARTIS PHARMACEUTICALS
 CORPORATION

Appellant/Cross Appellee,

vs.

PEGGY STEVENS

Appellee/Cross Appellant.

AFFIDAVIT OF TERRY N.
 TRIEWEILER

STATE OF MONTANA)

: ss.

County of Flathead)

Terry N. Trieweiler, being first duly sworn upon oath, deposes and states:


1. Supreme Court Cause No. DA-10-0029 involves both an appeal and a cross appeal. The appellant's appeal includes four major issues with numerous sub-issues including discretionary procedural decisions made by the district court. Its brief in support of that appeal, which does not include an adequate description of the factual and procedural history of the case, is nearly 10,000 words. This is a complex case and it will take a similar number to adequately respond.

2. Peggy Stevens, the Appellee and cross appellant has nine separate issues to argue on appeal, including the district court's refusal to allow amendment of her claim to allege punitive damages which was, separately, the subject of a petition for supervisory control to this court.

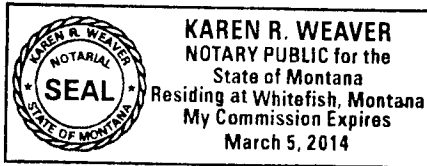
3. Because it will be necessary to include additional facts, additional procedural history, respond thoroughly to the appellant's arguments and combine her own arguments in support of her cross appeal in one brief, it is not possible for Peggy Stevens to effectively limit her brief to the 10,000 word limit allowed for a typical respondent's brief in Rule 11(4)(a) M.R.App.P.

4) Counsel for Novartis Pharmaceuticals Corporation has been consulted pursuant to Rule 16 and does object to this motion.

DATED this 13th day of May, 2010.

By: 
Terry N. Trieweler
Attorney for Appellee/Cross Appellant

Subscribed and sworn to before me this 13th day of May, 2010.



Karen R. Weaver
Karen R. Weaver
Notary Public for the State of Montana
Residing at Whitefish, Montana
My Commission Expires March 5, 2014

CERTIFICATE OF SERVICE

This is to certify that on the 13th of May, 2010, a true and exact copy of the foregoing document was sent by U.S. mail, first class, postage pre-paid, addressed to:

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